

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division**

**UNITED STATES OF AMERICA,  
*ex rel.* BEAU MICHAUD,**

**Plaintiff,**

**v.**

**NORTHROP GRUMMAN SYSTEMS  
CORP., *et al.*,**

**Defendants.**

**Case No. 1:11-CV-00606-TSE-TRJ**

**PROPOSED JOINT DISCOVERY PLAN**

Plaintiff Beau Michaud on behalf of the Government, and Defendants Northrop Grumman Systems Corporation (“Northrop Grumman”) and Motor Drives & Controls, Inc. (“MDCI”) (collectively, Mr. Michaud, Northrop Grumman and MDCI are the “Parties”) hereby submit their Proposed Joint Discovery Plan, pursuant to Rule 26(f)(3) of the Federal Rules of Civil Procedure and this Court's Order dated February 21, 2014 (Dkt. No. 97) (the “Scheduling Order”),<sup>1</sup> and state as follows:

1. **Initial Conference.** The Parties met and conferred pursuant to Federal Rule of Civil Procedure 26(f)(1) on March 10, 2014.
2. **Initial Disclosures.** The Parties will provide each other with their Initial Disclosures by March 26, 2014.
3. **Discovery Plan.** The Parties jointly propose to the Court the following discovery plan:

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<sup>1</sup> This Joint Discovery Plan supersedes the prior plan previously submitted by the Parties (see Dkt. No. 88).

a. Discovery Topics. The Parties agree that discovery will be needed on the following subjects:

- i. Mr. Michaud's claims and his claims on behalf of the Government against Northrop Grumman and MDCI, as set forth in the Second Amended Complaint;
- ii. The defenses of Northrop Grumman and MDCI to the allegations set forth in the Second Amended Complaint;
- iii. Expert issues (if any);
- iv. Damages.

b. Discovery Deadline. All discovery should be completed by July 11, 2014, as set forth in the Court's February 21, 2014 Order.

c. Interrogatories. The Parties agree that there shall be a maximum of thirty (30) interrogatories by each party to any other party, including parts and subparts thereof, as set forth in the Court's February 21, 2014 Order.

d. Depositions.

i. **Plaintiff's Position** is that a party may not exceed twenty-five (25) fact witness depositions, which includes twenty-five (25) non-party, non-expert witness depositions, each to last no longer than seven (7) hours and each to occur within one (1) day. Due to the length of the Contract at issue in the case, along with the number and complexity of Plaintiff's allegations, an increased number of depositions is required in order to determine all of the underlying facts and properly litigate all claims. Based on information currently in Plaintiff's possession, Plaintiff intends, at this time, to take the following depositions (and Plaintiff reserves the right to add or amend to the below list as facts and circumstances dictate):

- (1) Vicki Spira: Former Vice President of Postal Engineering at Northrop Grumman.
- (2) Suzanne Jenniches: Former Executive Vice President of Postal Engineering at Northrop Grumman.
- (3) Rob Stone: Former Lead Engineer at Northrop Grumman.
- (4) Rick Ross: Former Director of Postal Automation at Northrop Grumman.
- (5) Gabriel DiFurio: Former President of Motor Drives and Controls, Inc. ("MDCI").
- (6) Rick Soloway: Former FSS Program Manager at Northrop Grumman.
- (7) Sean Ledford: Former Lead Hardware Engineer at Northrop Grumman.
- (8) Sheila Prather: Former Reliability and Maintainability Lead at Northrop Grumman.
- (9) Katie Gray: Former Postal Engineering Manager at Northrop Grumman.
- (10) Patricia Artimovich: Former Contracts Representative at Northrop Grumman.
- (11) Ed Steinbacher: Former FSS Training Supervisor at Northrop Grumman.
- (12) Jennifer Poole: Former Postal Automation Training Manager at Northrop Grumman.

(13) Manfred Fox: Former Software Engineer at Northrop Grumman.

(14) Steve Erdman: Former FSS Program Manager at Northrop Grumman.

(15) David Milnes: Former FSS Contracting Officer for USPS.

(16) Mark Guilfoil: Former Supply Management Manager for USPS.

(17) Don Crone: Former FSS Program Manager for USPS.

(18) Dominic Bratta: Former Logistics and Maintenance Support Manager for USPS.

(19) Warren Reeves: Former Logistics and Maintenance Support Manager for USPS.

(20) D'Wayne Strawbridge: Former Software Engineer at Northrop Grumman.

(21) Robert D'Orso: Former FSS Contracting Officer for USPS.

(22) Pete Diamante: Former Handbook Developer for MDCI.

ii. **Defendants' Position** is that a party may not exceed ten (10) fact witness depositions, which includes a maximum of five (5) non-party, non-expert witness depositions as set forth in the Court's February 21, 2014 Order, each to last no longer than seven (7) hours and each to occur within one (1) day.

e. Expert Reports.

i. **Plaintiff's Position** is that initial reports from retained experts under Rule 26(a)(2) are due from the proponent by June 6, 2014. The opponent shall submit

rebuttal expert reports, limited to contradicting or rebutting initial expert opinions disclosed by the proponent, by June 18, 2014. Expert depositions shall be completed by July 2, 2014.

ii. **Defendants' Position** is, pursuant to Local Civil Rule 26(D), that Plaintiff's initial reports from retained experts under Rule 26(a)(2) are due by May 12, 2014. Defendants shall submit their expert reports, including any rebuttal to Plaintiff's previously submitted reports, by June 11, 2014. Plaintiff shall submit its rebuttal expert reports, limited to contradicting or rebutting initial expert opinions disclosed by the Defendants, by June 27, 2014. Expert depositions shall be completed by July 11, 2014.

f. Supplementary Disclosures. Supplementary disclosures under Rule 26(e) are due by July 11, 2014. This deadline in no way restricts, impedes or otherwise waives each of the Parties' duty to update discovery responses in a timely manner.

g. The Parties have agreed to confer and engage in a reasonable process of producing documents and electronically stored information ("ESI") in this case. The Parties agree to produce all ESI in a concordance load file that includes searchable TIFF images and categories of metadata agreed to by the parties.

4. **Other items.**

a. As set forth in the Court's February 21, 2014 Order, the Parties will attend an Initial Pretrial Conference on March 19, at 11:00 a.m. before Magistrate Judge Jones.

b. The Final Pretrial Conference should be held on July 17, 2014, as set forth in the Court's February 21, 2014 Order. On July 14, 2014, the Parties will exchange: (1) a list of witnesses to be called at trial, (2) a list of exhibits to be used at trial, (3) a written stipulation of uncontested facts, and (4) copies of trial exhibits in a format to be agreed upon by the Parties. The Parties will have until July 25, 2014 to file objections to the opposing party's lists of witnesses and exhibits.

c. The Parties agree that they shall be allowed to retrieve inadvertently produced privileged or trial preparation materials per the applicable provisions of Rule 26 of the Federal Rules of Civil Procedure, and that the inadvertent production of such materials shall not constitute waiver of applicable privileges, pursuant to Federal Rule of Evidence 502.

d. Because this matter will involve the exchange of proprietary and confidential information, the Parties believe that the Court should enter an Order prevent the public release of any such proprietary and confidential information and permitting such information to be filed with this Court under seal. The Parties intend to submit a proposed Order to the Court for execution.

Dated: March 12, 2014

Respectfully Submitted,

/s/ David S. Gallacher

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 12th day of March 2014, I caused to be filed electronically the foregoing Proposed Joint Discovery Plan with the Clerk of Court using the CM/ECF system, which will then send a notification of electronic filing (NEF) to the following:

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I also hereby certify that I will mail the document by U.S. Mail to the following non-filing users:

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